

LYNCH ICHIDA THOMPSON KIM & HIROTA

TIMOTHY J. HOGAN 5312-0
1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813
Tel. No. (808) 528-0100
Fax No. (808) 528-4997
E-mail: tjh@loio.com

Attorney for Plaintiff
WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	Civ. No. CV03 00385 SOM-LEK
	)	(Copyright)
Plaintiff,)	
	)	DECLARATION OF WAYNE
vs.	)	BERRY IN SUPPORT OF REPLY TO
	)	MEMORANDA IN OPPOSITION TO
HAWAIIAN EXPRESS SERVICE,	)	MOTION FOR ENTRY OF
INC., a California corporation; et al.	)	PERMANENT INJUNCTION AND
	)	ORDER DIRECTING RETURN,
Defendants.	)	DESTRUCTION, OR OTHER
	)	REASONABLE DISPOSITION OF
	)	ALL COPIES OF FREIGHT
	)	CONTROL SYSTEM; EXHIBIT "A"
	)	and "B"
)	

DECLARATION OF WAYNE BERRY

I, WAYNE BERRY, am the Plaintiff and owner of the Copyright to FCS
Logistics Data.mdb and all of its derivatives. I make this declaration under the

penalty of perjury. All the statements herein are true and correct to the best of my knowledge, information and belief. If called upon to testify regarding the matters herein, I am competent and willing to do so. I respectfully submit this declaration in support of the my Replies to the memoranda filed in opposition to my Motion for Issuance of Permanent Injunction.

1. Attached hereto as Exhibit A is a true and correct copy of a report I generated from the Guidance After Image listings that have been authenticated previously in this case.

2. This listing contains the names and file locations of numerous copies of derivatives of my FCS Logistics Data.mdb that were transferred to C&S on the Fleming computers that are far in excess of the 16 copies that Fleming claimed to be holding for litigation purposes.

3. Attached hereto as Exhibit "B" is a true and correct excerpt from my filed Copyright Deposit related to the registration of FCS Logistics Data.mdb. I keep this document in the regular course of my business as a software developer. This evidences where in the copyrights registration my Z tables are listed. I never gave the employees or C&S permission to have or use my Z tables or any derivatives.

4. I will further testify at the hearing on this matter to establish that these

are my works and are covered by my Copyright to FCS Logistics Data.mdb.

DATED: Honolulu, Hawaii, January 18, 2006.


WAYNE BERRY